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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/457,952	12/09/1999	GUILLAUME SEBIRE	874.0002USU	8252
29683	7590	12/14/2005	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			NGUYEN, DAVID Q	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/457,952	Applicant(s) SEBIRE ET AL.	
	Examiner David Q. Nguyen	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments with respect to claim 20 have been considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the **speed indication** is wirelessly received at the mobile equipment or transmitted to the mobile equipment) are not recited in the rejected claim 20. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,3, and 11-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Jin (US 6,658,045 B1).

Regarding claim 1, Jin teaches a method for operating a mobile equipment in a wireless network, comprising steps of wirelessly receiving at a mobile equipment ME an indication of the ME's speed through a wireless network (see col. 2, line 50 to col. 3, line 15 and col. 7, lines 25-35); calculating in the ME an indication of link quality experience by the ME, the calculation

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employing a filter having a finite filter length that is a function of the value of the parameter (col. 9, line 35 to col. 10, line 28); reporting the calculated indication of link quality to the wireless network (see col. 10, lines 19-27).

Regarding claim 3, Jin teaches transmitting uses a point-to-point message (see col. 2, line 50 to col. 3, line 15 and col. 7, lines 25-35 and col. 9, line 35 to col. 10, line 28).

Regarding claims 11-12, Jin also teaches wherein the speed indication is used to modify and calculate a forgetting factor that influences a length of a filter that operates on link quality measurement data (see col. 2, line 50 to col. 3, line 15 and col. 7, lines 25-35 and col. 9, line 35 to col. 10, line 28).

Regarding claims 13 and 14, Jin also teaches wherein the determined parameter is used to modify and replace a forgetting factor that is received in a broadcast message from the wireless network, the forgetting factor influencing the length of the filter that operates on link quality measurement data (see col. 2, line 50 to col. 3, line 15 and col. 7, lines 25-35 and col. 9, line 35 to col. 10, line 28).

Regarding claim 15, Jin also teaches wherein the step of calculating takes into account a derivative of speed of the ME (see col. 2, line 50 to col. 3, line 15 and col. 7, lines 25-35 and col. 9, line 35 to col. 10, line 28).

Regarding claim 16, Jinn teaches wherein the step of calculating operates on a plurality of measurements of one of a mean Bit Error Probability or a coefficient of variation of a Bit Error Probability (see col. 2, line 50 to col. 3, line 15 and col. 7, lines 25-35 and col. 9, line 35 to col. 10, line 28).

Regarding claim 17, Jin teaches a wireless communication system comprised of a wireless network and at least one mobile equipment (ME) located in a serving cell of said wireless network, wherein the wireless network comprising a unit for deriving an indication of a speed of an ME within a serving cell of the network (see col. 2, line 50 to col. 3, line 15 and col. 7, lines 25-35 and col. 9, line 35 to col. 10, line 28); a transmitter for transmitting the indication of the ME speed to the ME; and a receiver; and wherein the ME comprises a receiver for receiving said transmitted speed indication (see col. 2, line 50 to col. 3, line 15 and col. 7, lines 25-35 and col. 9, line 35 to col. 10, line 28); and a processor in said ME for implementing a filter for filtering a sequence of link quality measurement data, said filter having a filter length that is a function of said received transmitted speed indication (see col. 2, line 50 to col. 3, line 15 and col. 7, lines 25-35 and col. 9, line 35 to col. 10, line 28); a transmitter in said ME for transmitting an indication of said filtered link quality measurement data to a receiver of said wireless network (see col. 2, line 50 to col. 3, line 15 and col. 7, lines 25-35 and col. 9, line 35 to col. 10, line 28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jin (US 6,658,045 B1) in view of "EGPRS Link Quality Control Measurements and Filtering," ETSI

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SMG2 Working Session on EDGE, Tdoc SMG2 EDGE 444/99, Agenda item 6.3, October 18-22, 1999, Austin, TX (source: Ericsson).

Regarding claims 5 and 19, Jin teaches a wireless communication system comprised of a wireless network and at least one mobile equipment (ME) located in a serving cell of said wireless network, wherein the wireless network comprising a unit for deriving an indication of a speed of an ME within a serving cell of the network (see col. 2, line 50 to col. 3, line 15 and col. 7, lines 25-35 and col. 9, line 35 to col. 10, line 28); a transmitter for transmitting the indication of the ME speed to the ME; and a receiver; and wherein the ME comprises a receiver for receiving said transmitted speed indication (see col. 2, line 50 to col. 3, line 15 and col. 7, lines 25-35 and col. 9, line 35 to col. 10, line 28); and a processor in said ME for implementing a filter for filtering a sequence of link quality measurement data, said filter having a filter length that is a function of said received transmitted speed indication (see col. 2, line 50 to col. 3, line 15 and col. 7, lines 25-35 and col. 9, line 35 to col. 10, line 28); a transmitter in said ME for transmitting an indication of said filtered link quality measurement data to a receiver of said wireless network (see col. 2, line 50 to col. 3, line 15 and col. 7, lines 25-35 and col. 9, line 35 to col. 10, line 28). Jin does not mention transmitting the indication of the ME speed to the ME by using a plurality of bits placed into padding bits of a Packet System Identification 13 (PSI13) message sent on a Packet Associated control Channel (PACCH). However, ETSI SMG2 discloses transmitting the indication of the ME speed to the ME by using a plurality of bits placed into padding bits of a Packet System Identification 13 (PSI13) message sent on a Packet Associated control Channel (PACCH) (see pages 11-14). Therefore, it would have been obvious to one of ordinary skill in

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the art at the time the invention was made to provide the above teaching of ETSI SMG2 to Jin in order to improve signal quality

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wan (US 6385460) in view of "EGPRS Link Quality Control Measurements and Filtering," ETSI SMG2 Working Session on EDGE, Tdoc SMG2 EDGE 444/99, Agenda item 6.3, October 18-22, 1999, Austin, TX (source: Ericsson).

Regarding claim 20, Wan teaches a method for operating a wireless communications system comprised of a wireless network and a plurality of mobile equipment (ME) located in at least one serving cell of said wireless network (see fig. 1), comprising steps of: determining in the wireless network an indication of a signal quality experienced by individual ones of the plurality of ME (col. 7, lines 22-23); transmitting the determined indications to individual ones of the ME using a point-to-point message (col. 2, lines 20-65; col. 5, lines 5-15; col. 12, lines 12-65 and col. 7, line 27-col. 8, line 40); in a particular one of the plurality of ME, receiving the transmitted indication (col. 2, lines 20-65; col. 5, lines 5-15; col. 12, lines 12-65 and col. 7, line 27-col. 8, line 40). Wan is silent to disclose using the received indication for setting a length of a filter that is employed in a filtering operation that operates on a sequence of link quality measurement data; and transmitting data from the filter to the wireless network. However, ETSI SMG2 discloses using the received indication for setting a length of a filter that is employed in a filtering operation that operates on a sequence of link quality measurement data; and transmitting a result of the filtering operation to the wireless network (see pages 11-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of ETSI SMG2 to Wan in order to improve signal quality.

6. Claims 4 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jin (US 6,658,045 B1).

Regarding claim 4, Jin teaches a method modified by Garceran et al comprising all of the limitations as claimed. They are silent to disclose wherein the step of transmitting places the speed indication in padding bits of a point-to-point message. However, examiner takes official notice that transmitting places the speed indication in padding bits of a point-to-point message is well known in the art so that system can detect bit error of message easily.

Regarding claims 6-10, the method of Jin is silent to disclose wherein the step of transmitting uses a message sent in a Packet System Identification 13 message sent on a Packet Associated Control Channel (PACCH); transmitting uses a plurality of bits into a Packet System Identification 13 message sent on a Packet Associated Control Channel (PACCH); transmitting uses a plurality of bits placed into a padding bits of a Packet System Identification 13 message sent on a Packet Associated Control Channel (PACCH); transmitting uses a plurality of bits for indicating a plurality of speed subranges of a speed range; transmitting uses four bits for indicating 16 speed subranges within a speed range. However, examiner takes official notice transmitting uses a message sent in a Packet System Identification 13 message sent on a Packet Associated Control Channel (PACCH) and a plurality of bits into a Packet System Identification 13 message sent on a Packet Associated Control Channel (PACCH); transmitting uses a plurality of bits placed into a padding bits of a Packet System Identification 13 message sent on a Packet Associated Control Channel (PACCH); and transmitting uses a plurality of bits for indicating a plurality of speed subranges of a speed range; transmitting uses four bits for indicating 16

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speed subranges within a speed range are well known in the art so that system can communicate with mobile equipment.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jin (US 6,658,045 B1) in view of Wan (US 6385460).

Regarding claim 18, Jin does not teach wherein the step of calculating operates on a plurality of measurements of one of a mean Bit Error Probability or a coefficient of variation of a Bit Error Probability. However, Wan also disclose wherein the step of calculating operates on a plurality of measurements of one of a mean Bit Error Probability or a coefficient of variation of a Bit Error Probability (col. 7, line 35-col. 8, line 35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Wan to Jin in order to improve signal quality.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844.

The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN

David Nguyen

Joseph H. Feild
JOSEPH FEILD
SUPERVISORY PATENT EXAMINER